

REMARKS

Claims 1-20 are pending.

Prior Art Rejections:

In responding to the Examiner's prior art rejections, Applicant here only justifies the patentability of the independent claims (claim 1, 12, and 18). As the Examiner will appreciate, should these independent claims be patentable over the prior art, narrower dependent claims would also necessarily be patentable. Accordingly, Applicant does not separately discuss the patentability of the dependent claims, although it reserves the right to do so at a later time if necessary.

Claims 1, 12, and 18 have been rejected as obvious (35 U.S.C. § 103) by USP 6,240,316 ("Richmond") in view of USP 6,195,585 ("Karunasiri").

The Examiner admits that Richmond does not disclose the last limitation in claims 1, 12, and 18—namely, "wherein the electronic subassembly measures a rectified voltage during recharging of the rechargeable power source via an external charging field, and transmits the measured voltage to one of the at least one external devices." However, the Examiner contends that this limitation is disclosed in Karunasiri, and that Richmond and Karunasiri are combinable for purposes of obviousness.

However, the Examiner is clearly incorrect that this limitation is disclosed in Karunasiri. A point that the Examiner has overlooked is that the implantable cochlear stimulator (ICS) disclosed in Karunasiri ***does not include a battery at all***, and certainly does not disclose a "rechargeable power source." Instead, power for the ICS comes wirelessly from Karunasiri's external wearable system 10, and does not come from any internal rechargeable power source as claimed. See, e.g., Karunasiri, col. 7, ll. 20-22 ("In operation, the ICS2 receives ***power*** and commands ***from an external unit*** in order to provide controlled, customizable current stimulus signals to the electrode array."). In fact, a portion of the very passage cited by the Examiner explains this:

[I]n the cochlea stimulating system shown in FIG. 1, the signals transmitted to the [internal] ICS 12 from the [external] wearable system 10 ***include electrical power components. Such power component signals are processed (e.g., rectified)***

within the receiver 40 through the series regulator 44 [in the internal ICS] to generate a voltage signal which powers the ICS processor 46. The ICS processor 46 selectively monitors the voltage applied to the series regulator and generates a status-indicating signal relative to such voltage which is transmitted by the telemetry transmitter 42 and received by the telemetry receiver 36. As previously stated, such information is utilized in the microprocessor 30 and gate array 32 of the WP 16 to control the power level of the transmissions from the data transmitter 34 to the ICS 12, thereby providing a type of feedback control of the power level.

Karunasiri, col. 6, ll. 35-49.

If the Examiner continues to reject the claims, it is specifically requested that the Examiner identify where Karunasiri discloses a “rechargeable power source” as claimed.

When this is understood, it is clear that neither Richmond nor Karunasiri disclose or suggest the limitation of “measur[ing] a rectified voltage during *recharging of the rechargeable power source*” in the implantable electronic module. Because neither reference discloses this limitation, even when these references are taken together, their combination also fails to disclose this limitation, which means an obviousness rejection cannot stand. See MPEP 2143.03.

* * * * *

Based on the above remarks, Applicant respectfully submits that pending claims 1-20 are allowable, and requests that a Notice of Allowance issue for these claims.

Respectfully submitted,

/ TGL /

Terril Lewis, Reg. No. 46,065

March 30, 2007

CUSTOMER NO. 29855

Wong, Cabello, Lutsch,
Rutherford & Brucculeri, L.L.P.
20333 SH 249, Suite 600
Houston, TX 77070
832/446-2405
Fax 832/446-2424